

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KALEN LON COLLINS,
Plaintiff,

v.

DAVID BROTHERSON, et al.,
Defendants.

No. 1:21-cv-00778-NONE-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN PART

(Doc. Nos. 1, 6, 10)

ORDER DISMISSING ACTION

ORDER FOR CLERK TO ASSIGN A
DISTRICT JUDGE TO THIS CASE FOR THE
PURPOSE OF CLOSING THE CASE AND
THEN TO CLOSE THIS CASE

Kalen Collins (“plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 4, 2021, the assigned magistrate judge entered findings and recommendations, recommending that “[t]his action be dismissed because Plaintiff’s complaint fails to state any cognizable federal claims and the exercise of jurisdiction over Plaintiff’s potential state law claim is not appropriate, for failure to prosecute, and for failure to comply with a court order.” (Doc. No. 10 at 10.) The assigned magistrate judge also recommended that “[t]he Clerk of Court be directed to close this case.” (*Id.*)

Plaintiff was provided an opportunity to file objections to the findings and recommendations. The deadline to file objections has passed, and plaintiff has not filed

1 objections or otherwise responded to the findings and recommendations.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
3 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
4 magistrate judge's findings and recommendations are supported by the record and by proper
5 analysis insofar as they dismiss the complaint for failure to prosecute and failure to comply with a
6 court order. The court declines to address the other grounds for dismissal discussed in the
7 findings and recommendations.

8 Accordingly,

- 9 1. The findings and recommendations issued on August 4, 2021, (Doc. No. 10), are
10 adopted in part;
- 11 2. This action is dismissed for failure to prosecute and for failure to comply with a
12 court order; and
- 13 3. The Clerk of Court is directed to assign a district judge to this case for the purpose
14 of closing the case and then to close this case.

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16 IT IS SO ORDERED.

17 Dated: September 17, 2021

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20 UNITED STATES DISTRICT JUDGE
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